

AMENDED IN SENATE FEBRUARY 18, 1997

AMENDED IN SENATE FEBRUARY 7, 1997

SENATE BILL

No. 181

Introduced by ~~Senator Kopp~~ *Senators Kopp and Burton*

January 22, 1997

An act relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 181, as amended, Kopp. Environmental quality: ballpark.

(1) Existing law, the California Environmental Quality Act, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if the lead agency finds that the project will not have that effect, unless the project is exempt from the act.

This bill would exempt from the act the relocation of occupants or uses from real property under specified provisions of law relating to relocation assistance, and relocation of occupants or uses from real property of the Port of San Francisco, which real property is proposed to be used for an open air ballpark for major league baseball, is located in a special zoning district permitting, or conditionally permitting, that use, which was enacted by the voters of the city and county in which the property is located, and the

relocation activity, if considered independently of the proposed ballpark use of the property, would be exempt from the act.

The bill would impose a state-mandated local program by imposing new duties on local agencies with regard to determining the applicability of, and filing and posting notice of, the exemption.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified ~~reason~~ reasons.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) Division 13 (commencing with
2 Section 21000) of the Public Resources Code shall not
3 apply to relocation of occupants or uses from real
4 property under Chapter 16 (commencing with Section
5 7260) of Division 7 of Title 1 of the Government Code, or
6 to relocation of occupants or uses from real property of
7 the Port of San Francisco to other real property under the
8 jurisdiction of the Port of San Francisco, if both of the
9 following criteria are met:

10 (1) The real property is proposed to be used for an
11 open air ballpark for major league baseball, and is located
12 in a special zoning district permitting, or conditionally
13 permitting, that use, which zoning district was enacted
14 pursuant to a ballot measure approved by the voters of
15 the city and county in which the property is located.

16 (2) The relocation activities, if considered
17 independently of the proposed ballpark use of the
18 property, would be exempt from this division.

19 (b) This section shall not affect the application of
20 Division 13 (commencing with Section 21000) to any

1 discretionary action by a public agency not otherwise
2 exempted by this section, including the construction of
3 such a ballpark.

4 (c) This section shall remain in effect for two years
5 after its effective date and as of that date shall become
6 inoperative, and as of January 1, 2000, is repealed, unless
7 a later enacted statute, that becomes operative on or
8 before January 1, 2000, deletes or extends the dates on
9 which it becomes inoperative and is repealed.

10 SEC. 2. No reimbursement is required by this act
11 pursuant to Section 6 of Article XIII B of the California
12 Constitution *for certain costs* because a local agency or
13 school district has the authority to levy service charges,
14 fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning
16 of Section 17556 of the Government Code.

17 *Moreover, no reimbursement is required by this act*
18 *pursuant to Section 6 of Article XIII B of the California*
19 *Constitution for certain other costs that may be incurred*
20 *by a local agency or school district that are the result of*
21 *a program for which legislative authority was requested*
22 *by that local agency or school district, within the meaning*
23 *of Section 17556 of the Government Code and Section 6*
24 *of Article XIII B of the California Constitution.*

25 Notwithstanding Section 17580 of the Government
26 Code, unless otherwise specified, the provisions of this act
27 shall become operative on the same date that the act
28 takes effect pursuant to the California Constitution.

29 SEC. 3. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or
31 safety within the meaning of Article IV of the
32 Constitution and shall go into immediate effect. The facts
33 constituting the necessity are:

34 In order to ensure that proposed ballpark construction
35 will not be delayed, it is necessary that this act take effect
36 immediately.

